Scoping Report and Summary of Comments

for the

State Water Resources Control Board's On-site Wastewater Treatment System Regulations

STATE of CALIFORNIA

Prepared by:

EDAW

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I. OVERVIEW

This document is a summary of comments received by the State Water Resources Control Board (State Water Board) during the scoping process mandated under the California Environmental Quality Act (CEQA) for the On-site Wastewater Treatment System Regulations project. Many of these comments were provided by attendees at five scoping meetings held in Riverside, Santa Rosa, Malibu, Sacramento, and Redding, California. The rest were provided in writing during the 60-day scoping period, which closed on August 8, 2005.

On-site wastewater treatment systems (OWTS) treat wastewater and discharge effluent. Working with stakeholders for more than 2 years, the State Water Board drafted statewide regulations for siting, installation, operation, and maintenance of OWTS. The State Water Board is required to draft and implement such regulations under Assembly Bill 885, which was approved by the California State Legislature and signed into law in September 2000 and was codified as Sections 13290-13291.7, Chapter 4.5, Division 7 of the California Water Code.

In accordance with CEQA (Pub. Res. Code Section 21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15000 et seq.), the State Water Board issued a Notice of Preparation of an Environmental Impact Report (NOP) and an Initial Study (IS) to solicit input regarding the potential environmental effects of implementing the proposed OWTS regulations. An IS is conducted by a lead agency to determine if a project may have a significant effect on the environment. In accordance with State CEQA Guidelines Section 15064(a), an environmental impact report (EIR) must be prepared if there is substantial evidence (including the results of an IS) that a project may have a significant effect on the environment. Based on the results of the IS, the State Water Board determined that an EIR will be prepared for this project. For this reason, an NOP was issued along with the IS.

II. SCOPING PROCESS

The IS/NOP was available for a 60-day public review period beginning on June 8, 2005, and ending on August 8, 2005. During the public review period, a series of public scoping meetings was held to inform agencies and the public about the proposed project and to provide opportunity for public comment on the IS/NOP and issues to be evaluated in the EIR. Five public scoping meetings were held:

City	Place	Address	Date
Riverside	Art Pick Council Chamber	3900 Main Street	Thursday, July 14
Santa Rosa	North Coast Regional Water Board Hearing Room	5550 Skylane Boulevard, Suite A	Monday, July 18
Malibu	Council Chambers	City Hall 23815 Stuart Ranch Road	Tuesday, July 19
Sacramento	Sierra Hearing Room, 2nd floor	Cal-EPA Building 1001 I Street	Wednesday, July 20
Redding	City of Redding Community Room	777 Cypress Avenue	Thursday, July 21

Comments (either written or verbal) were solicited from agencies and other interested parties.

III. INFORMATION ABOUT PUBLIC COMMENTS AND COMMENTERS

During the public comment period, written comments were received from 98 parties:

- 2 state agencies
- 35 local and regional agencies
- 20 organizations
- 10 private companies
- 31 private individuals

In addition, articles about the project, the IS/NOP, and the public scoping sessions were submitted to the State Water Board from 11 news publications around the state.

At the five public scoping meetings, a total of 304 people signed in as attending. Of those, 85 people spoke. Participation at the meetings was as follows:

Location	Attendees	Speakers
Riverside	40	12
Santa Rosa	120	29
Malibu	38	13
Sacramento	37	18
Redding	69	13
Total	304	85

Table 1 identifies the state and local agencies, organizations, businesses, and individuals that provided written or verbal comments on the IS/NOP. Publications that addressed the project, the IS/NOP, or the scoping meetings are listed as well.

Table 1
OWTS IS/NOP Commenters (Written and Oral)

Category	Commenter
State Agencies	Delta Protection Commission
	Regional Water Quality Control Board-Lahontan Region
Local Agencies	Amador County Board of Supervisors
	Calaveras County Building Department
	Contra Costa Environmental Health Department
	Del Norte County Board of Supervisors
	Del Norte County Community Development Department
	Fresno County Department of Community Health
	Humboldt County Department of Health and Human Services
	Imperial County Board of Supervisors
	City of La Canada Flintridge Public Works Department
	Lake County Board of Supervisors
	Los Angeles County Chief Administrative Office
	Los Angeles County Department of Health Services
	Los Angeles County Department of Public Works

Table 1 (continued)
OWTS IS/NOP Commenters (Written and Oral)

Category	Commenter
	Los Angeles Regional Water Quality Control Board
	Los Osos Community Services District
	Marin County Community Development Agency
	Mariposa County Public Health Department
	Modoc County Board of Supervisors

Table 1 (continued) OWTS IS/NOP Commenters (Written and Oral)	
Category	Commenter
	Modoc County
	Monterey County Department of Health
	Napa County Board of Supervisors
	Napa County Department of Environmental Management
	Nevada County Board of Supervisors
	Orange County Planning & Development Services Department
	Plumas County Public Health Agency
	City of Riverside
	City of Riverside Public Utilities Department
	Sacramento County Environmental Management Department
	San Joaquin County Environmental Health Department
	San Luis Obispo County
	Santa Barbara County Public Health Department
	City of Santa Cruz Water Department
	Santa Cruz County Environmental Health Department
	Santa Cruz County Health Services Agency
	Santa Cruz County Public Health Department
	Santa Monica Bay Restoration Commission
	Shasta County Department of Resource Management
	Shasta County Division of Environmental Health
	Shasta County Planning Commission
	Sierra County Board of Supervisors
	Sierra County Environmental Health Department
	Siskiyou County Department of Public Health
	Solano County Department of Resource Management, Environmental Health Division
	Sonoma County Board of Supervisors
	Sonoma County Department of Health Services
	Sonoma County Public and Resource Management Department, Well and Septic Division
	Sweetwater Springs Water District
	Tehama County Board of Supervisors
	Ventura County Environmental Health Division
Organizations	Access for All
	Anza Valley Building Association
	California Association of Realtors
	California Conference of Directors of Environmental Health
	California Environmental Health Association
	California Onsite Wastewater Association
	California Rural Water Association
	California State Association of Counties

Table 1 (continued) OWTS IS/NOP Commenters (Written and Oral)	
Category	Commenter
	California Travel Parks Association, Inc.
	CCDEH/COWA/CAEHHA Task Force
	Environmental Justice Coalition for Water
	Heal the Bay
	Heal the Ocean
	Nevada County Board of Realtors
	North Bay Association of Realtors
	Occidental Arts and Ecology Center
	Paradise Ridge Chamber of Commerce
	Pasadena Foothills Association of Realtors
	Placer County Association of Realtors
	Riverside County United Communities
	Regional Council of Rural Counties
	Sacramento Association of Realtors
	Self-Help Enterprises
	Shasta/Humboldt Association of Realtors
	Topanga Association for a Scenic Community
	United Winegrowers for Sonoma County
	West County Realty
Businesses	88 Realty
	Advanced Onsite Systems
	Advantage
	Bio Solutions, Inc.
	Brown and Caldwell
	Brown & Carlton
	Century 21 Alliance
	Dottie Ray Realty
	Envirocycle Advanced Wastewater Treatment
	FSBO Real Estate
	Hydro Nova
	Infiltrator Systems, Inc.
	International Wastewater Solutions Corporation
	J Hill Consulting
	Jan Bates Realty
	KBI
	Law Offices of John James Doyle
	Lehmann & Associates
	Meadowbrook
	NaturClean

Table 1 (continued)
OWTS IS/NOP Commenters (Written and Oral)

Category	Commenter	
	Prudential	
	PWA	
	S. Groner Associates, Inc.	
	Sun Frost	
	Western Manufactured Housing Communities Association	
	Westmark Enterprises	
	Winzler & Kelly Consulting Engineers	
Individuals	Barnee Alexander, Santa Rosa	Jim Irving, Paso Robles
	Cameron Applegate, Villa Grande	Edward Kehoe, Occidental
	Judy Arenas, Butte County	Douglas Kerr, Healdsburg
	Diane Banner	Gene Koch, Occidental
	Pat Bocca, Sebastopol	Kathleen McGowan
	Wilbert Brown, Occidental	Marc Miller, Menifee Valley
	Shirley Byrd-Solem, Santa Rosa	Richard Miller
	Margaret Chung, San Francisco	Ben Picker, Red Bluff
	John Chyle, Jenner	Trudy Olesiuk, Soulsbyville
	Brian Connolly, Santa Rosa	Lee Rennacker, Oakview
	Jeanette Dillman, Guerneville	John Rosenblum
	Brock Dolman, Occidental	Bob Russell, Santa Rosa
	Larry Elkins, Iso	Joseph Soulia, Sutherlin, OR
	Lee Enemark, Ukiah	Bob Stark, Salmon Creek
	Clayton Engstrom, Petaluma	Mark Stevens, Sebastopol
	Lou Ensley, Forestville	Ken Stuart
	Diane Healy, Forestville	Andrew Syversen
	Chris Johnson, Santa Rosa	Mark Tevjesen, Camp Meeker
	Mike Fagan, San Diego	William Theyskens, Prunedale
	John Farley, Guerneville	Sue Thollaug, Guerneville
	Bob Feinbaum, Salmon Creek	Dorothy Varellas, Sonora
	Jack Hadley, Santa Rosa	B.D. Wilson, Camp Meeker
	Patrick Hanley, Sebastopol	Pat Wiggins, Santa Rosa
	Kathy Hayes, Santa Rosa	Alene Yusov
	Rebecca Hermosillo, Sonoma	
Publications	*Chico Enterprise-Record*	
	(Downieville) *Mountain Messenger*	
	(El Dorado) *Mountain Democrat*	
	Grass Valley Union	
	Point Reyes Light	
	Red Bluff Daily News	
	Redding Record-Searchlight	

Table 1 (continued) OWTS IS/NOP Commenters (Written and Oral)	
Category	Commenter
	(Riverside) *Press-Enterprise* (PE.com)
	(Santa Rosa) *Press Democrat*
	Sonoma West Times & News
	Ventura County Star

IV. SUMMARY OF PUBLIC COMMENTS

More than 300 letters were received, and more than 80 people's concerns were heard, during the public comment period on the IS/NOP. The commenters ranged from representatives of public agencies and organizations to business owners and private individuals. Even with the broad range of commenters, a few common themes could be identified among the comments received. The following points summarize the most commonly heard concerns, without attempting to qualify, explain, or respond to them. A more detailed list of comments is provided at the end of this report.

GENERAL SUPPORT FOR THE PROJECT

Some stakeholders have expressed general support for the proposed project and AB 885, feel OWTS-related water quality issues need to be resolved, are glad to see the State is doing something to help resolve these issues, and feel more comprehensive and coordinated regulation of OWTS is long overdue. Many supporters of the proposed project in general also offered specific comments involving proposed modifications to the draft regulations with the intention of improving the proposed regulations – these comments are summarized in the "Approach to the Regulations" and "Alternatives" sections below.

GENERAL SUPPORT FOR THE NO PROJECT ALTERNATIVE

Other stakeholders feel the current OWTS regulatory environment works fine, the state's soil and hydrogeologic conditions already do a good job of treating OWTS effluent, more government regulations and associated costs for homeowners and business owners are not warranted, and "if it ain't broke, don't fix it."

APPROACH TO THE REGULATIONS

1. This action will cause a public health risk. Standardized criteria are needed for siting OWTS. The site evaluation requirements should be more stringent and include a number of specified parameters.

2. The State Water Board should consider a less prescriptive and/or burdensome approach. The prescribed dispersal system application rates and separation to groundwater requirements are too restrictive. "One size fits all" won't work in California; the regulations need to be more flexible.

3. The regulations and EIR need to recognize that AB 885 calls for minimum requirements, not uniform requirements.

4. A more balanced presentation of situations where properly sited and maintained systems do not contaminate groundwater is needed; too much emphasis was placed on contaminant plumes and it was assumed that systems routinely contaminate groundwater. The regulation of OWTS should be an application of risk management and not the elimination of all risk.

5. Compliance costs versus the environmental benefit should be evaluated. The regulations should include cost limits and a more reasonable timeline for improvements.

MONITORING

6. Monitoring domestic wells does not make sense:

   - The monitoring cannot be tied to a septic system.
   - The data collected in El Dorado, Yuba, and Tehama Counties cannot be tied to septic systems.
   - Mandated monitoring is too expensive for state and local agencies.

7. Suggested changes to monitoring program:

   - The State Water Board should do as DHS does and only require the testing of private wells that serve five or more homes.
   - Consider telemetry for monitoring systems in lieu of sampling quarterly.
   - The DEIR must note that the monitoring requirements of Section 13269 may be waived by the regional or state boards.

8. Water well testing requirements need to be clarified and related issues addressed.

9. Drop the point-of-sale inspection requirement:

   - If resources won't be provided to compensate the local governments, it won't work.
   - It is already taking place in some areas of the state.
   - It's not scientific; monitor at the time of system upgrade or new construction or just prescribe monitoring at regular intervals (maybe every 3–5 years).
   - It's too burdensome and will cause delays in real estate transactions and increased closing costs, especially in remote areas.
   - By collecting data at point of sale, there is no scientific basis from which to evaluate trends in water quality.

COSTS

10. Compliance costs versus the environmental benefit should be evaluated; a cost/benefit analysis is needed on a regional basis, not just from a statewide perspective.

11. The regulations do not address the legislative intent of AB 885 with respect to assisting private property owners with funding assistance.

12. Increased costs for homeowners

13. Increased costs for agencies

SECTION 303(D)-LISTED IMPAIRED WATERS

14. The 303(d) provisions will force people with existing systems from their homes. In many cases there is no suitable area to install systems that meet the dispersal system area requirements, even with supplemental treatment (e.g., Malibu, Russian River).

15. Greater recognition of regionally unique hydrology and geology should be considered in the watersheds of impaired water bodies, which may require regulation of OWTS beyond 600 feet.

REGULATORY EFFECTS

16. The regulations may change Regional Water Board v. local agency responsibilities:

    - Regional Water Board responsibilities for WDR oversight may require them to be more involved in site evaluation and construction plan review to ensure the new regulations are complied with, thus increasing their workloads and delaying the county building permit process, which would continue to focus on non-OWTS issues.

    - Regional Water Board workloads will increase because local agencies will not want to enforce the new regulations – identify/better define their oversight authority.

    - Local agency enforcement costs will rise since illegal repairs and failures will increase as property owners try to avoid high compliance costs.

    - The regulations will affect government services by placing an increased workload on local agencies because of pressure for them to change existing local regulations.

17. Address the impacts associated with the likely scenario of some local agencies (especially rural ones) not implementing the new regulations:

    - The State or Regional Water Boards implementing them instead or
    - Local agencies suspending building permits instead.

18. The discussion in the IS re: how the proposed project could result in significant water quality impacts fails to recognize that local agencies are free to take actions to further protect water quality.

EQUIPMENT

19. More reliance on unproven treatment technologies could actually cause adverse water quality impacts if they are not properly installed or maintained, or if such systems fail.

20. The EIR analysis needs to recognize that many homeowners will avoid routine repairs to avoid the new statewide requirements, thus decreasing system performance. The prohibitive costs to homeowners may lead to illegal repairs or homeowners skipping repairs.

SCIENCE/DATA

21. The State should evaluate all available health data in the EIR to see if there is an existing problem.

22. The EIR needs to provide the scientific basis for why the proposed water quality effluent levels are proposed.

V. ADDITIONAL SOURCES OF INFORMATION

Some commenters submitted or identified additional sources of information along with their comments. These materials are being reviewed by the State Water Board and EDAW. Table 2 lists the additional sources of information provided or identified by commenters.

Table 2
Additional Sources of Information from Commenters

Resource	Provider	Obtained?
The Status and Future of Decentralized and Onsite Wastewater Treatment Technologies in Florida (Small Flows Quarterly, Winter 2005, Vol. 6, No. 1)	Brock Dolman, Water Institute Director, Occidental Arts and Ecology Center (also Gene Koch, Occidental)	Yes
CCDEH Baseline Draft (v. 8.3.05)	Robert L. Kennedy, CCDEH	Yes
Lower Rincon Creek Watershed Study (County of Santa Barbara)	Hillary Hauser, Heal the Bay	Yes
Memorandum from Jeremy Koonce, Santa Barbara County Water Agency (selected pages)	Hillary Hauser, Heal the Bay	Yes
Septic System Sanitary Survey for Santa Barbara County (Questa Engineering, June 2003)	Hillary Hauser, Heal the Bay	Yes
Ramlit report on Cumulative Impacts, Region #1	Ted Walker, California Environmental Health Professionals	No
California County and U.S. Gravelless Chamber Sizing Summary (list)	Infiltrator Systems, Inc.	Yes
Review of Chamber Systems and Their Sizing for Wastewater Treatment Systems (Douglas Joy, PhD, Ontario Rural Wastewater Centre, November 2001)	Infiltrator Systems, Inc.	Yes
A Review of Literature and Computations for Chamber-Style Onsite Wastewater Distribution Systems (Timothy N. Burcham, Innovative Biosystems Engineering, June 2001)	Infiltrator Systems, Inc.	Yes
Surface Failure Rates of Chamber and Traditional Aggregate-Laden Trenches in Oregon (Small Flow Quarterly, Fall 2002, Vol. 3, No. 4)	Infiltrator Systems, Inc.	Yes
The Next Generation in Onsite Chambers: Quick 4 Standard Chamber (Infiltrator Systems product brochure)	Infiltrator Systems, Inc.	Yes
Wastewater Infiltration into Soil and the Effects of Infiltrative Surface Architecture (Small Flow Quarterly, Winter 2004, Vol. 5, No. 1)	Infiltrator Systems, Inc.	Yes
Final Report—Infiltrator Florida Side-by-Side Test Site, Killarney Elementary School, Winter Park, Florida (Nodarse & Associates, November 1997)	Infiltrator Systems, Inc.	Yes
Corporate information on White Knight Aerobic Microbial Inoculator, Pirana, Knight Nutrient Reduction Device	International Wastewater Solutions Corp.	Yes
Wastewater Subsurface Drip Distribution: Peer Reviewed Guidelines for Design, Operation, and Maintenance (EPRI and Tennessee Valley Authority, 2004)	Robert Beggs, Brown and Caldwell	No
U.S. Census Bureau Statistics on Septic Tanks, 1995 [illegible]	Larry Schussler, Sun Frost	[Yes]

Table 2 (continued) Additional Sources of Information from Commenters		
Resource	Resource	Resource
"Proposed Tomales Bay cleanup is based on outdated science" (Pt Reyes Light, April 21, 2005, by Corey S. Goodman, PhD)	Gene Koch, Occidental	Yes
Stressor Identification Guidance Document (USEPA	Gene Koch, Occidental	Yes (downloaded)
A 25-Year History of the Onsite Industry (Kreissl and Suhrer, Small Flows Quarterly, Winter 2005, Vol. 6, No. 1)	Gene Koch, Occidental	Yes (downloaded)
Wastewater Treatment: Overview and Background (Copeland, 1999)	Gene Koch, Occidental	Yes (downloaded)
Preliminary Report: An Evaluation of Wastewater Disposal and Water Quality in the San Lorenzo River Watershed (Santa Cruz County, 1989)	John Ricker, Santa Cruz County Water Resources Program Coordinator	Yes (downloaded)
San Lorenzo Nitrate Management Plan: 1995 (Santa Cruz County, 1995) http://sccounty01.co.santa-cruz.ca.us/eh/environmental_water_quality/pdfs/sl_nitrate_management_plan_1995.pdf	John Ricker, Santa Cruz County Water Resources Program Coordinator	No (file problem at site)

VI. DETAILED LIST OF COMMENTS

The following is a detailed list of comments received during the public scoping period. Although it does not contain every individual comment, it reflects the general substance of the issues raised by commenters and represents the broad range of views and opinions presented. No attempt is made to qualify, explain, or respond to the comments and concerns. Numbering is for reference only and does not reflect any attempt at weighting the applicability of the comments.

APPROACH TO THE REGULATIONS

1. This action will cause a public health risk. Standardized criteria are needed for siting OWTS. The site evaluation requirements should be more stringent and include a number of specified parameters.

   - Unless more guidance is provided on what types of systems are appropriate under specific soil and geologic conditions, premature failure of mound and at-grade systems could occur, causing soil erosion and public health hazards.

   - Identify "trigger points" for when to use alternative systems.

2. The State Water Board should consider a less prescriptive and/or burdensome approach. The prescribed dispersal system application rates and separation to groundwater requirements are too restrictive. "One size fits all" won't work in California; the regulations need to be more flexible.

   - The EIR needs to explain why inconsistent regulation of OWTS throughout the state is not desirable and why a consistent regulatory approach is desirable when conditions vary so much around the state.

   - Make sure treatment requirements are attainable and take local geology into consideration.

- The regulatory approach needed for fractured rock and Malibu/coastal areas should not be applied to the rest of the state.

- Severely limiting the use of seepage pits is not justified under certain situations where adequate pit depths, soil characteristics, separation from groundwater and well siting conditions apply.

3. The regulations and EIR need to recognize that AB 885 calls for minimum requirements, not uniform requirements.

4. A more balanced presentation of situations where properly sited and maintained systems do not contaminate groundwater is needed; too much emphasis was placed on contaminant plumes and it was assumed that systems routinely contaminate groundwater. The regulation of OWTS should be an application of risk management and not the elimination of all risk.

   - The regulations should be less "overprotective"; the threat of pollution from OWTS is overestimated.

   - Section 22910(b) of the regulations should be edited so it is not interpreted to require complete removal of the specified pollutants.

   - Given the state's limited resources, the regulations should put more focus on the systems or areas of greatest concern or risk.

   - Need to make sure there is a problem first before monitoring, sampling, or supplemental systems are required.

   - The regulations need to recognize the extent of in-ground treatment, dilution, and attenuation of nitrogen compounds and other contaminants. Allow for the accounting of nitrogen reduction in the soils via plant uptake.

5. Compliance costs versus the environmental benefit should be evaluated. The regulations should include cost limits and a more reasonable timeline for improvements.

6. There are now testing methods to determine sources of fecal coliform; these should be used before action is taken to make sure OWTS is the major source. The proposed rule needs to draw a distinction between bacterial and nitrate pollution caused by animal waste vs. human waste.

7. The setback requirements (related to distances from streams, springs, culverts, and homes) should be put back into the regulations.

   - The project needs further definition for the setback from a 303(d)-listed water body.

   - Section 22940 should be edited so its requirements apply to all OWTS contributing to an impairment, not just those within 600 feet of an impaired water body.

   - The Regional Water Boards should be allowed to establish distances greater than 600 feet as zones of protection for 303(d)-listed waters.

8. The regulations should follow EPA guidance that says "the use of biological assessments and biocriteria in state and tribal water quality standards programs is a top priority of the EPA." Consider including the EPA management guidelines.

9. The State Water Board should use programs and policies similar to those developed by Santa Cruz County and the Central Coast Regional Water Quality Control Board.

10. Since certifications of septic systems and private wells are already commonplace before the close of sale of private properties, greater cooperation between the mortgage industry and State and Regional Water Boards could allow the related portions of the regulations to be eliminated.

11. Education

    - Unless the new requirements are incorporated into the plumbing code, additional education and training will be needed.

    - More education of property owners is needed and would be a more efficient use of state money.

12. The State Water Board needs to be consistent with the pending changeover in pathogen indicator criteria (from fecal coliform to enterococci or *E. coli*).

13. There should be more emphasis on water conservation and reducing the amount of water that enters the treatment system.

14. To comply with Cal EPA's Environmental Justice Strategy, the State Water Board needs to conduct more public outreach, especially in rural and low-income areas.

15. Clarifications: Change the definition of "major repair" to be less inclusive. "Major repair" needs to be defined better. Need more definition of "pump failure." Operating permit renewal conditions should be added to the regulations. Language clarifying the scope of the regulations with respect to seepage pits would clear up confusion surrounding a number of related sections in the draft rule.

MONITORING

16. Monitoring domestic wells does not make sense:

    - The monitoring cannot be tied to a septic system.
    - The data collected in El Dorado, Yuba, and Tehama Counties cannot be tied to septic systems.
    - Mandated monitoring is too expensive for state and local agencies.

17. Suggested changes to monitoring program:

    - The State Water Board should do as DHS does and only require the testing of private wells that serve five or more homes.

    - Consider telemetry for monitoring systems in lieu of sampling quarterly.

    - The DEIR must note that the monitoring requirements of Section 13269 may be waived by the regional or state boards.

18. Water well testing requirements need to be clarified and related issues addressed:

    - standardization, sampling and evaluation protocol for point-of-sale inspections to ensure data viability

    - timing

    - criteria for interpretation

    - reporting requirements

- how to link to neighboring septic systems
- take wet year v. dry year and seasonal differences into account – e.g., in some wet years conditions will never be suitable for testing.

19. Drop the point-of-sale inspection requirement:
    - If resources won't be provided to compensate the local governments, it won't work.
    - It is already taking place in some areas of the state.
    - It's not scientific; monitor at the time of system upgrade or new construction or just prescribe monitoring at regular intervals (maybe every 3–5 years).
    - It's too burdensome and will cause delays in real estate transactions and increased closing costs, especially in remote areas.
    - By collecting data at point of sale, there is no scientific basis from which to evaluate trends in water quality.
20. Suggested changes to the point-of-sale inspection requirement:
    - Enforcement capabilities should be accounted for.
    - The State should look at including the NAWT [National Association of Wastewater Transporters] process for point-of-sale inspections of septic tanks.
    - The State should use the Massachusetts approach of setting aside funds in escrow and then allowing 6 months to make any necessary improvements.
    - Septic tank inspections and water quality testing are already occurring during real estate transactions in many places throughout the state; the key difference with the proposed regulations is that the results of these tests and inspections will be publicly disclosed.

COSTS

21. Compliance costs versus the environmental benefit should be evaluated; a cost/benefit analysis is needed on a regional basis, not just from a statewide perspective.
22. The regulations do not address the legislative intent of AB 885 with respect to assisting private property owners with funding assistance.
23. Increased costs for homeowners:
    - OWTS-related design and installation costs will increase and people will be forced to use expensive supplemental treatment systems instead of conventional systems.
    - The regulations will make the cost of developing lots too expensive.
    - The prohibitive costs to homeowners may lead to illegal repairs or homeowners skipping repairs.
    - The regulations could increase the cost of liability insurance for contractors, which is already too expensive.

24. Increased costs for agencies:

    - Local agency enforcement costs will rise since illegal repairs and failures will increase as property owners try to avoid high compliance costs.

    - Costs to local agencies will make them inclined not to implement the regulations, especially because the regulations will require the hiring of many new staff to be implemented.

25. Funding sources:

    - The State Water Board needs to find a way to combine the funding of the stormwater monitoring, OWTS, groundwater monitoring, and underground tank programs.

    - The State Water Board should consider faster funding (from the State Revolving Fund and/or grants) for sewers and funding for non-sewered communities.

SECTION 303(D)-LISTED IMPAIRED WATERS

26. The 303(d) provisions will force people with existing systems from their homes. In many cases there is no suitable area to install systems that meet the dispersal system area requirements, even with supplemental treatment (e.g., Malibu, Russian River).

27. The project needs further definition for the setback from a 303(d)-listed water body.

28. Greater recognition of regionally unique hydrology and geology should be considered in the watersheds of impaired water bodies, which may require regulation of OWTS beyond 600 feet:

    - The Regional Water Boards should be allowed to establish distances greater than 600 feet as zones of protection for 303(d)-listed waters.

    - The requirements that apply to OWTS within 600 feet of an impaired water body need to also include OWTS adjacent to those waters tributary to and upstream of impaired waters.

29. The State Water Board should include microbial source tracking as an alternative to evaluate 303(d)-listed waters.

REGULATORY EFFECTS

30. The regulations may change Regional Water Board v. local agency responsibilities:

    - Regional Water Board responsibilities for WDR oversight may require them to be more involved in site evaluation and construction plan review to ensure the new regulations are complied with, thus increasing their workloads and delaying the county building permit process, which would continue to focus on non-OWTS issues.

    - Regional Water Board approval of local agency soil and groundwater evaluation techniques, including soil mottling, should only need to occur once when the authorization process takes place.

    - Regional Water Board workloads will increase because local agencies will not want to enforce the new regulations – identify/better define their oversight authority.

- Local agency enforcement costs will rise since illegal repairs and failures will increase as property owners try to avoid high compliance costs.

- By their very nature, supplemental or alternative treatment systems require intensive oversight and management relative to conventional systems, thus greatly increasing the workload of local agencies.

- The regulations will affect government services by placing an increased workload on local agencies because of pressure for them to change existing local regulations.

31. Address the impacts associated with the likely scenario of some local agencies (especially rural ones) not implementing the new regulations:

    - The State or Regional Water Boards implementing them instead or
    - Local agencies suspending building permits instead.

32. The State should better define Responsible Management Entities (HOAs, etc.).

33. The discussion in the IS re: how the proposed project could result in significant water quality impacts fails to recognize that local agencies are free to take actions to further protect water quality:

    - Local agencies need to have more flexibility to grant variances (including flexibility to decide when inspections/site investigations are necessary) and the EIR alternatives should include local variances.

    - Need to define parameters/conditions by which variances will be allowed.

    - Variances for dispersal fields of supplemental treatment system should not be allowed unless a state-certified professional or equivalent has verified the viability of the replacement dispersal field.

    - Need to analyze what exemptions will likely be approved.

34. Differences between the California Plumbing Code and the proposed regulations need to be clear; otherwise, there will be lots of room for interpretation by permittees and agencies.

35. Allowing the local permitting authority the right to enter onto property for monitoring purposes is burdening the property with an easement and is therefore a taking.

EQUIPMENT

36. More reliance on unproven treatment technologies could actually cause adverse water quality impacts if they are not properly installed or maintained, or if such systems fail.

37. The EIR analysis needs to recognize that many homeowners will avoid routine repairs to avoid the new statewide requirements, thus decreasing system performance. The prohibitive costs to homeowners may lead to illegal repairs or homeowners skipping repairs.

38. To avoid environmental and cost impacts where properties do not have phone lines, alternatives to the requirement of having remote dial-out features should be considered.

39. “Gravelless” chamber systems will not be as competitive with conventional systems if such systems are not given credit for lower application area requirements.

40. Supplemental treatment systems should be required when there are percolation rates of less than five minutes per inch *or* (not *and*) there is less than 5 feet separation to groundwater. This would be compatible with the conditions under which supplemental treatment is required in many counties.

41. Variances for dispersal fields of supplemental treatment system should not be allowed unless a state-certified professional or equivalent has verified the viability of the replacement dispersal field.

42. The regulations should be modified to allow certain types of dispersal systems when soils have low hydraulic conductivity.

43. The EIR needs to investigate alternatives to disinfection given related adverse impacts to the environment.

44. List the cost, effectiveness, and knowledge level required for operation of each type of proposed OWTS system. The EIR will need to summarize available technologies and describe how effective they are in meeting the proposed requirements, how knowledgeable a property owner must be to operate and maintain them properly, and their relative costs.

45. Specific equipment issues:

    - A definition of "relief-line systems" is needed and related alternatives should be offered.
    - Effluent filters should be required for all systems, not just new systems and those undergoing major repair.
    - The use of composting toilets should be encouraged because this will help address nitrate problems.
    - Include gray water systems as an alternative.
    - For grease traps, the State should evaluate the changes that IAPMO is considering right now.

SCIENCE/DATA

46. The State should evaluate all available health data in the EIR to see if there is an existing problem:

    - The prescriptive standards should not be applied until site-specific data show there is a problem.
    - Conclusions in the EIR need to be substantiated with evidence, especially in areas that do not have 303(d)-listed water bodies. If such substantiation cannot be made, the EIR analysis should focus on 303(d) watersheds.
    - A statewide clearinghouse needs to be established as an information source on supplemental treatment system performance, cost, etc.
    - The DEIR should identify what major factors have led to failure of OWTS for each major region or county of the state. More specific data on failures and OWTS plumes need to be presented.

47. Can't prove higher standards for OWTS are needed to preserve quality of drinking water:

    - Water contamination is coming from treatment facilities, agricultural runoff, livestock, wildlife – all much larger sources of contamination than septic systems.
    - There are now testing methods to determine source of fecal coliform; these should be used.

- The use of well data to monitor OWTS performance is not a valid approach since water quality in wells is not necessarily indicative of OWTS performance.

48. The EIR needs to provide the scientific basis for why the proposed water quality effluent levels are proposed.

    - This is particularly true in consideration of the assimilative capacity of groundwater and particularly in areas where densities are small and the cumulative impact is low.

    - The IS statement that the best soils only reduce nitrogen by 10 to 20 percent is incorrect, as documented by other studies.

    - The regulations need to recognize the extent of in-ground treatment, dilution, and attenuation of nitrogen compounds and other contaminants.

49. The 10 mg/liter discharge standard for total nitrogen is an average standard; therefore, much higher levels can be expected in some areas.

QUALIFIED PROFESSIONALS

50. Already, some areas do not have enough qualified personnel to perform the septic tank inspections. The point-of-sale requirement will add to the deficiency:

    - A shortage of qualified professionals could delay repairs that are immediate public health hazards.

    - There will be adverse economic impacts resulting from unscrupulous qualified professionals and unscrupulous qualified service providers.

    - The numbers of qualified service providers (while currently deficient) can be addressed by industry.

    - The traditional use of "paraprofessionals" should be allowed to continue to address the expected shortage of qualified professionals.

    - A certification program and coordinated training center are needed for qualified professionals.

EIR ASSUMPTIONS AND CONTENT

51. Revisit the IS/NOP's impact assessment assumptions after the EIR analysis is complete; the EIR needs to substantiate that these assumptions are correct. Conclusions in the EIR need to be substantiated with evidence, especially in areas that do not have 303(d)-listed water bodies. If such substantiation cannot be made, the EIR analysis should focus on 303(d) watersheds.

52. Adjust for bias in Initial Study – too focused on urban environments, need to focus more on rural areas. This will affect small, rural counties in a disproportionate and negative manner. The analysis needs to distinguish between urban v. rural impacts.

53. The EIR analysis needs to recognize that many homeowners will avoid routine repairs to avoid the new statewide requirements, thus decreasing system performance.

    - "No impact" conclusions in the IS/NOP ignore impacts to existing systems.

    - The regulations will reduce the number of OWTS installed over time because of higher installation costs, performance requirements that can't be met in some situations, etc.

54. In the EIR, the State Water Board needs to respond to the issues and concerns of stakeholders. The EIR needs to describe the stakeholder process and the issues discussed – need to summarize how we got to where we are now.

55. The EIR should summarize relevant portions of the regional Water Quality Control Plans, including pertinent water quality objectives.

    - Additional information is needed on how the proposed regulations compare to, and differ from, related requirements of regional Water Quality Control Plans.

    - The planned comparison of the proposed regulations to representative regulations at the local and regional levels is critical to the EIR analysis.

    - This analysis should also address how successful local and regional regulations have been from the standpoint of protecting water quality.

56. The State should do 9 different EIRs based on the Regional Water Boards and/or on a local government basis as opposed to a Program EIR for the entire state.

57. The DEIR should identify what major factors have led to failure of OWTS for each major region or county of the state. More specific data on failures and OWTS plumes need to be presented.

LAND USE, PLANNING, POPULATION, AND GROWTH-RELATED IMPACTS

58. The regulations will alter growth patterns.

    - The regulations will make the cost of developing lots too expensive; the new application rates will lead to larger and more expensive lots.

    - The regulations will force local planning agencies to increase minimum lot sizes.

    - The regulations will force OWTS onto Class 1 agricultural lands (including riparian areas) as opposed to areas with poor soils, such as hillsides and other areas where much development is now occurring or is planned.

    - Because of the increase in OWTS-related costs caused by the regulations and/or other aspects of the regulations, more farmland will be converted to non-farming uses since fewer farmers will be able to reside on farmland as part of an economic unit.

    - The regulations will increase the minimum soil depth needed to construct OWTS, thereby placing more development pressure on farmland that has higher quality and deeper soils.

    - There will be a shift away from OWTS and toward more community sewer systems, thereby leading to an increase in lot densities in rural areas.

59. The regulations will restrict growth and decrease the population of the State:

    - The proposed regulations will render existing lots throughout the state unbuildable or prevent people from building in areas already designated for development.

    - The EIR should evaluate the economic costs of the regulations shutting down all development in some areas.

- The regulations will, in effect, lead to the prohibition of the fair and free use of property and therefore is a taking of property.

60. The regulations will induce growth and increase the population of the State:

    - The regulations will make many lots that were previously unbuildable buildable; this proposal will open up land to development that cannot currently be developed.

    - The regulations will induce growth in areas where local regulations are currently more protective (since there will be pressure to weaken local regulations over time to match the statewide regulations) and in areas that currently do not allow supplemental treatment.

    - In some cases, the project will simply make a public sewer or community collection system the only option; expansions of sewer systems are growth inducing.

61. The 303(d) provisions will force people with existing systems from their homes. In many cases there is no suitable area to install systems that meet the dispersal system area requirements, even with supplemental treatment (e.g., Malibu, Russian River).

62. Can't condemn homes on properties too small to upgrade to new standards; if homes are condemned, what happens to folks and environment re: construction of replacement housing? Condemnation could cause blight in urban areas.

OTHER ENVIRONMENTAL IMPACTS

Public Utilities (including Biosolids)

63. In some cases, the project will simply make a public sewer or community collection system the only option; there will be a shift away from OWTS and toward more community sewer systems:

    - As more centralized treatment systems are used, what will happen to groundwater?

    - Since the failure of centralized treatment plants is often catastrophic, greater reliance on such plants relative to OWTS and associated safety and health hazards should be addressed in the EIR.

    - Considering the frequency of accidental releases from wastewater treatment plants, the EIR needs to evaluate the adverse impacts of increasing such releases as the reliance on such plants increases over time relative to more dispersed effluent from OWTS.

64. Biosolids:

    - Need to address the fact that in many watersheds biosolids/sludge being applied on farmland are a major source of fecal matter in streams (as opposed to OWTS being a major source).

    - Odor impacts should be addressed in the EIR, including odor of the additional biosolids that will be generated.

65. The EIR needs to assess the impacts of the illegal dumping that will likely occur (because many disposal facilities are at or near capacity) and related biohazards. Some wastewater treatment plants will not be able to handle the sudden influx of additional septage that will be pumped from OWTS.

Water Quality

66. The EIR does not need to address water quality because the proposed project will not lead to impacts on water quality – the Initial Study is overly cautious.

    - The discussion in the IS re: how the proposed project could result in significant water quality impacts fails to recognize that local agencies are free to take action to further protect water quality.

67. The water quality and public health analyses need to address the consequences of an expected shift to more Regional Water Board oversight and permitting from local oversight and permitting (there may be a staffing shortage and a lack of local expertise, and therefore more adverse impacts to the environment).

68. In many watersheds, biosolids/sludge being applied on farmland are a major source of fecal matter in streams (as opposed to OWTS being a major source). The EIR needs to define the relative nitrate contributions of each major source and recognize that the degree of impact from each source varies widely under a wide range of factors.

69. The chemical "shocking" of wells may be more commonplace if fecal coliform shows up in test results; assess how such chemicals will affect water quality and public health.

70. As more centralized treatment systems are used, what will happen to groundwater?

Public Health

71. The chemical "shocking" of wells may be more commonplace if fecal coliform shows up in test results; assess how such chemicals will affect water quality and public health.

72. The water quality and public health analyses need to address the consequences of an expected shift to more Regional Water Board oversight and permitting from local oversight and permitting (there may be a staffing shortage and a lack of local expertise, and therefore more adverse impacts to the environment).

Hazards and Hazardous Materials

73. The EIR needs to address the release of hazardous materials, including chlorine and other chemicals associated with more use of disinfection units and products.

74. Recreational vehicle parks would be adversely affected if the regulations prevent toxic deodorizing chemical wastes from being discharged to their septic systems.

75. The use, storage, and handling of disinfectants and other chemicals used at wastewater treatment plants will increase.

76. Since the failure of centralized treatment plants is often catastrophic, greater reliance on such plants relative to OWTS and associated safety and health hazards should be addressed in the EIR.

Geology/Soils

77. The DEIR needs to include a thorough discussion of the state's diverse geologic, climatic, soil, groundwater regimes, and topographical differences.

78. The EIR needs to address potential impacts on soil stability (downslope damage to property cited from an upslope "repair" of an OWTS).

79. The proposed regulations change the soil classification system most commonly used in the state. What will be the impact of this change?

80. The regulations will change industry standards for sand depths. What will be the related environmental impact?

81. Encouraging the use of supplemental systems will increase soil erosion and sedimentation of water bodies where unstable soil and geologic conditions exist (by allowing new development to occur where it would not otherwise exist or during conversions from conventional to supplemental systems).

82. Many of the conclusions re: well susceptibility to OWTS effluent are based on fractured rock environments. What areas of the state have such an environment and under what circumstances are OWTS allowed in these environments?

Air Quality

83. Odor impacts should be addressed in the EIR, including odor of the additional biosolids that will be generated.

84. The EIR needs to include an air quality impact assessment of increased vehicle and equipment emissions:

- emissions associated with more frequent inspection, pumping, and repair for 1.2 million systems
- emissions from additional RWQCB and local agency staff trips
- emissions from vehicle trips to areas that are now undeveloped

85. Since energy use will increase with the greater use of supplemental treatment, the EIR needs to address adverse air quality impacts associated with power generation.

Biological Resources

86. The dispersal area requirements will make leaching areas bigger and force the removal of trees.

87. Constructed wetlands may be used to help improve effluent treatment, therefore creating beneficial biological impacts.

88. Adverse biological effects of regulations:

- The likely extreme reduction in nitrate levels required by the regulations could actually cause adverse fishery impacts and other impacts related to ecosystem productivity in areas where nitrogen levels are not unduly high and are at naturally occurring low levels.

- In some streams, OWTS discharges help support summer baseflows; increasing the use of conventional sewer systems relative to OWTS may adversely affect special-status species that rely on such flows.

Noise

89. The noise impacts associated with audible alarms used on many supplemental systems need to be assessed.

Energy/Public Services

90. The project will lead to energy impacts.

91. Since energy use will increase with the greater use of supplemental treatment, the EIR needs to address adverse air quality impacts associated with power generation.

Environmental Justice

92. The EIR should evaluate environmental justice impacts of the proposed project and follow related requirements from Cal EPA.

Aesthetics

93. Greater reliance on mound systems and tree removal associated with larger dispersal fields will cause potentially significant aesthetic impacts.

Transportation/Traffic

94. Since the regulations will induce growth, the air quality impacts associated with more vehicle trips to areas that are now undeveloped need to be assessed.

95. Concentrating growth in areas served by centralized treatment systems will compound existing traffic problems.

Recreation

96. The EIR needs to assess the adverse recreation impacts that could occur if recreation facilities, especially in beach areas, cannot be expanded because they rely on conventional OWTS.

97. Recreational vehicle parks would be adversely affected if the regulations prevent toxic deodorizing chemical wastes from being discharged to their septic systems.

ECONOMIC IMPACTS

98. Compliance costs versus the environmental benefit should be evaluated.

99. A cost/benefit analysis is needed on a regional basis, not just from a statewide perspective.

Housing Affordability

100. The regulations will make houses and building much more expensive and exacerbate the existing housing affordability crisis in California:

- The EIR needs to assess the regulations' effects on housing prices.
- The new application rates will lead to larger and more expensive lots.
- Need to assess the potential for property devaluations.

101. Real estate transactions: The point-of-sale inspection requirements will delay real estate closings and increase closing costs, which will be passed on to homeowners. Delays may cause deals to exceed the time limits of the lenders, thereby subjecting homeowners to penalty costs.

102. The EIR should evaluate the economic costs of the regulations shutting down all development in some areas.

Cost of Systems

103. OWTS-related design and installation costs will increase and people will be forced to use expensive supplemental treatment systems instead of conventional systems.

104. People may not be able to build OWTS and may be forced to pay expensive sewer connection fees.

105. Homeowners may be forced to make expensive and time-consuming repairs or upgrades (e.g., upgrade to supplemental treatment in areas with less than 5 feet of separation to groundwater).

106. The EIR should assess the economic impact to the homeowner for all the regulatory costs and time associated with soil testing, percolation testing, and other requirements in the draft regulations (site evaluation reports, permitting, inspections, monitoring, operation and maintenance, the addition of septic tank filters, etc.)

107. Compliance costs of rebuilding after a fire/catastrophe should be evaluated.

Funding

108. As mitigation for adverse cost impacts, the State should have funding for upgrades and sewers.

109. Special funding should be made available to people with low incomes.

110. Costs are a significant Regional and State Water Board issue as there are no apparent practical funding mechanisms to support staff at any level.

FISCAL AND REGULATORY/PUBLIC SERVICE IMPACTS

111. Local agency costs would increase:

- Local agency enforcement costs will rise since illegal repairs and failures will increase as property owners try to avoid high compliance costs.
- By their very nature, supplemental or alternative treatment systems require intensive oversight and management relative to conventional systems, thus greatly increasing the workload of local agencies.
- Costs to local agencies will make them inclined not to implement the regulations, especially because implementing the regulations will require the hiring of many new staff to be implemented.
- How will local agencies fund their new permitting and workload responsibilities?

112. Fiscal impacts should be a priority and not relegated to the appendix:

- The EIR should evaluate the fiscal impacts as a result of the point-of-sale monitoring.
- The regulations will make many lots that were previously unbuildable buildable; address the fiscal impacts of such development.

- Address the fiscal impacts of property devaluations caused by the regulations.
- The regulations will restrict growth or alter growth patterns; address the related fiscal impacts.

ALTERNATIVES

General Alternative Options

113. A performance standard alternative that is not restricted by prescriptive standards; include options that do not have mandatory siting, construction, and performance requirements.

114. An alternative that allows for performance standards that take into account the removal of pollutants as effluent moves through soil.

115. Look at what other states are doing as alternatives to the current approach.

116. An alternative that has point-of-sale requirements more like the State of Massachusetts program.

117. An alternative with more concise repair standards methodology in it, like Santa Cruz County.

118. An alternative that requires inspection and repair and/or retrofit of OWTS on resale or remodel, or on major remodel.

119. An alternative that provides more "teeth" for enforcement and oversight by Regional Water Boards, less discretion by local agencies.

120. An alternative that allows for waivers to the Water Code.

121. An alternative that doesn't require OWTS upgrades when sewers are going to be made available in 3 years.

122. Plumbing alternatives:

    - Work with the Universal Plumbing Code Commission to make one standard as an alternative to having this project and Appendix K in the UPC.
    - The State should not consider modifying the UPC as an alternative. This subject goes beyond plumbing.

123. An alternative that requires septic tank filters to be placed on all septic tanks.

124. Each previous draft of the regulations should be a separate alternative in the EIR. Negotiated elements in previous versions of the draft regulations should be included in an alternative.

125. Each type of independent element included in the proposed project needs to have its own alternatives analysis.

126. An alternative where ALAs and Regional Water Boards complete watershed-based evaluations and then develop ongoing monitoring programs based on the findings (the commenter also identified specific factors that should be considered during the evaluations).

127. Identify the environmentally superior alternative; such an alternative should eliminate impaired waters caused or partially caused by OWTS.

128. Heal the Bay has offered to define an "environmental community alternative."

129. An alternative that considers the tracking (certification?) of septage pumpers.

130. There should not be a "risk-based" alternative because history (Rincon Pt.) has shown risk already.

131. An alternative to the required operation permit called the "informed homeowner alternative" – one where the consumer understands issues and takes care of problems.

132. The range of alternatives presented does not meet CEQA requirements because project objective number 3 (implementation process) is not met. New alternatives that eliminate the higher cost items included in the proposed project and that better recognize regional and local differences throughout the state need to be added.

133. The alternatives need to include a "minimalist" and a "tiered" approach.

Comments on Proposed Alternatives

134. Support for anything but the no project alternative.

135. Some stakeholders support the CCDEH alternative:

    - CCDEH submitted a new "baseline" document that is more up to date than the CCDEH alternative that was previously provided to state staff. They have requested this be the starting point of new collaborations among their members to produce a new alternative that can be used in the EIR. In the meantime, the new baseline document should replace the CCDEH alternative described in the IS/NOP. A key feature of their proposal is more analysis of water quality problem areas, data sharing, etc., that would lead to the designation of "Threatened and Impaired Areas." Improvements in OWTS management would then focus on these areas.

    - The CCDEH alternative is not a consensus alternative; it is a work in progress. Therefore, remove "CCDEH" from its title.

    - Is the CCDEH a true alternative from the standpoint of complying with what is required by AB 885 (especially from a water quality standpoint)?

136. The analysis of the No Project Alternative with Status Quo should include an analysis of the efficacy of current regulatory tools at the state and local levels:

    - The No Project Alternative with Status Quo incorrectly assumes that requirements for OWTS adjacent to impaired water bodies would not be implemented under this alternative (Regional Water Boards already have such authority under the current TMDL development and implementation process).

    - A number of existing regulatory environment features need to be described as part of the No Project Alternative with Status Quo definition.

137. The No Project Alternative with Statewide Requirements should be modified to include continuation of existing local ordinances as long as they comply with AB 885. Any changes to local ordinances would be mandated by the State or Regional Water Boards only to the extent that such changes are needed to comply with AB 885.

IMPLEMENTATION ISSUES

138. Local agencies need to have more flexibility to grant variances and the EIR alternatives should include local variances:

    - Need to define parameters/conditions under which variances will be allowed. Give Regional Water Boards and local agencies the flexibility to decide when inspections/site investigations are necessary.

    - Need longer window of compliance, low-cost loans, delay of upgrades until property is sold.

139. If the regulations require someone to upgrade their system, the property owner should be allowed to delay such an upgrade until they sell their property.

140. Differences between the California Plumbing Code and the proposed regulations need to be clear; otherwise, there will be lots of room for interpretation by permittees and agencies.

141. Appropriate education, outreach, and technical assistance programs should be available during implementation of the regulations.